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ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Argentina, Brazil, Canada, Chile, Colombia*, Costa Rica*, El Salvador, France, Guatemala, Haiti*, Mexico, Peru, Uruguay, Venezuela: draft resolution

1998/... Situation of human rights in Haiti

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, and the international covenants on human rights,

Reaffirming that all Member States have the obligation to promote human rights and to fulfil the obligations they have undertaken under the various international instruments in this field,

Recalling its resolution 1997/52 of 15 April 1997 and General Assembly resolution 52/138 of 12 December 1997,

Having in mind the report (A/52/499) on the human rights situation in Haiti submitted by the independent expert of the Commission on Human Rights, Mr. Adama Dieng, to the General Assembly and the note by the Secretariat dated 5 February 1998 (E/CN.4/1998/97),

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recognizing the important contributions of the International Civilian Mission to Haiti, the United Nations Support Mission in Haiti, the National Commission for Truth and Justice, the United Nations Transition Mission in Haiti, terminated on 30 November 1997, and the United Nations Civilian Police Mission in Haiti, currently functioning, to the task of restoring and strengthening democracy in Haiti and of establishing a climate of freedom and tolerance conducive to respect for human rights in that country,

Recognizing the interdependence and the mutual reinforcements between democracy, development and respect for human rights and fundamental freedoms and the commitment of the international community to supporting, strengthening and promoting this principle,

Expressing its concern at the adverse effects upon Haiti's political, economic and social situation caused by the absence of an agreement in regard to the appointment of a prime minister,

Bearing in mind that the people of Haiti is due to express in the coming months its political will, through free, honest and transparent elections in accordance with the Constitution and the laws,

Welcoming the report of the Secretary-General on the implementation of the programme of technical cooperation in Haiti (A/52/515),

Noting with satisfaction the renewal by the General Assembly, in its resolution 51/196 B of 31 July 1997, of the mandate of the International Civilian Mission to Haiti,

Welcoming the improvements effected in the human rights situation in Haiti since the restoration of its democratic regime and noting the declarations by the Haitian authorities to the effect that the Government of that country remains committed to upholding human rights,

Indicating its concern at the security problems faced by Haitian society, some of which are due to the difficult social and economic conditions of that society, and which both account for and result from the limitations of the judicial and police systems, as indicated in the reports of the independent expert,

Reiterating its satisfaction at the invitation to visit the country addressed by the Government of Haiti to the Special Rapporteur on violence against women,

1. Thanks the Secretary-General, his Special Representatives and the independent expert on the human rights situation in Haiti of the Commission on

Human Rights for their unremitting efforts on behalf of the consolidation of democratic institutions in Haiti and respect for human rights in that country;

2. Notes with gratitude the report of Mr. Adama Dieng, independent expert of the Commission on Human Rights, to the General Assembly on the situation of human rights in Haiti (A/52/499), and the recommendations contained therein;

3. Invites the Government of Haiti to ratify the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Optional Protocols to the International Covenant on Civil and Political Rights;

4. Reaffirms the importance, for the realization of a genuine and effective process of transition and national reconciliation, of the investigations undertaken by the National Commission for Truth and Justice, and once again urges the Government of Haiti to institute legal proceedings against the perpetrators of human rights violations identified by the Commission for Truth and Justice and to create effective facilities for support to the victims, particularly women, children and members of their families;

5. Encourages the political leaders and representatives of Haitian civil society to pursue a dialogue whereby agreement may be rapidly reached and the deadlock created with regard to the appointment of the prime minister may thereby be overcome;

6. Calls upon the Haitian authorities to mobilize political will for the pursuit of reform and for the strengthening of the judicial system and improvement of the country's prisons;

7. Draws attention to the need for the Haitian National Police to continue receiving technical training to enable it to perform its functions efficiently, within a framework of respect for human rights;

8. Welcomes the report submitted by the Secretary-General on the implementation of the programme of technical cooperation in Haiti which the Office of the United Nations High Commissioner for Human Rights is conducting for the purpose of strengthening institutional capacity in that field and especially in the areas of legislative reform, training of justice

administration personnel and human rights education, and requests him to submit a further report on the implementation of this programme to the Commission at its fifty-fifth session;

9. Invites the international community, including the Bretton Woods institutions, to continue their involvement in the reconstruction and development of Haiti, having regard to the continuing fragility of the country's political, economic and social situation;

10. Notes with satisfaction the putting into operation by the Government of Haiti of the Office of Citizen Protection and invites the High Commissioner to contribute to its strengthening, through a programme of technical cooperation, so that it may develop into a national institution for the promotion of human rights, widely open to participation by civil society;

11. Invites once again the Special Rapporteur on violence against women to consider favourably the invitation by the Government of Haiti to visit the country;

12. Invites the independent expert to report to the General Assembly at its fifty-third session and to the Commission on Human Rights at its fifty-fifth session on developments in the human rights situation in Haiti;

13. Decides to continue consideration of this question at its fifty-fifth session under the item entitled "Advisory services in the field of human rights".